

the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of this standard, the Court has reviewed, de novo, the Report and the objections thereto. The Court accepts the Report.

THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 38); plaintiff's objections are **OVERRULED** (Doc. # 42); and plaintiff's motion to strike answer and for summary judgment is **DENIED** (Doc. # 5), defendant's motion for summary judgment is **GRANTED** (Doc. # 6) as to all plaintiff's federal claims, and plaintiff's state law claims are **REMANDED** to the Richland County Court of Common Pleas.

IT IS SO ORDERED.

s/ Terry L. Wooten

TERRY L. WOOTEN

UNITED STATES DISTRICT JUDGE

September 26, 2007

Florence, South Carolina